

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

STEVE R. BARNES,

Plaintiff,

v.

**PROVIDENT LIFE AND ACCIDENT
INSURANCE COMPANY,**

Defendant.

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Case No. 6:17-cv-586-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Before the Court are Defendant Provident Life and Accident Insurance Company's Motion for Summary Judgment or, Alternatively, for Judgment under Rule 52 (Docket No. 47) and Plaintiff's Cross-Motion for Judgment (Docket No. 52). The case was previously referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. On February 23, 2021, Judge Mitchell issued a Report and Recommendation (Docket No. 56) recommending that Defendant's motion be granted and Plaintiff's motion be denied. The parties did not file written objections.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, the parties did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings

for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendations, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 56) be **ADOPTED** and that Defendant Provident Life and Accident Insurance Company's Motion for Summary Judgment or, Alternatively, for Judgment under Rule 52 (Docket No. 47) is **GRANTED** and Plaintiff's Cross-Motion for Judgment (Docket No. 52) is **DENIED**. Defendant's denial of benefits is **AFFIRMED** and the case is **DISMISSED** with prejudice.

So **ORDERED** and **SIGNED** this 14th day of **March, 2021**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE